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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 KENNETH MORRELL,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA,

14 Defendant(s).

Case No. 2:17-cv-01241-JCM-NJK

ORDER

15 On June 23, 2017, the undersigned recommended that this case be dismissed. Docket No. 5. That
16 recommendation remains pending. Nonetheless, Plaintiff has filed a motion to compel discovery. Docket
17 No. 6. In light of the pending recommendation for dismissal, the motion for discovery is **DENIED**.

18 Moreover, the motion is largely directed at seeking relief from alleged issues arising in a state court
19 criminal proceeding against Plaintiff. *See, e.g., id.* at 3 (seeking “preliminary injunctive relief and
20 restraining order for immediate release”). As the Court has explained previously, such contentions are not
21 properly made in this Court. *See* Docket No. 5 (recommending dismissal because, *inter alia*, claims arising
22 out of an on-going state criminal prosecution are not properly heard by this Court pursuant to *Younger v.*
23 *Harris*, 401 U.S. 37, 44 (1971)). Accordingly, to the extent Plaintiff’s motion seeks relief related to his on-
24 going criminal prosecution in state court, that relief is **DENIED**.

25 IT IS SO ORDERED.

26 Dated: July 11, 2017

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NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE